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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,378	11/10/1999	ERIC SVEM HELLMAN	OIQ-001	7897

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LAHIVE & COCKFIELD
 28 STATE STREET
 BOSTON, MA 02109

EXAMINER

WON, YOUNG N

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,378

Applicant(s)

HELLMAN ET AL.

Examiner

Young N Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-13 and 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13 and 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claim 27 has been amended and re-examined. Claims 1-6, 9-13, and 15-34 are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-6, 9, 11-13, 15-20, 22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 5933490 A) further in view of Sotomayor et al. (US 5708825 A).

Independent:

As per claims 1, 19, and 25, White teaches in a network (see col.1, lines 9-10), a method (see col.3, line 52), and a medium holding computer-executable steps for a method (see col.4, lines 63-65) comprising the steps of: receiving a user request to access information at a redirection facility, or server (see col.12, lines 3-5), said redirection facility or server being an intermediary performing redirection of said request

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and having more than one possible target profile for each request (see col.3, lines 28-31 and col.5, lines 35-37); identifying a user preference regarding which service provider to use to service the request (see col.5, lines 38-55 and col.17, lines 50-54); and directing the request from the redirection facility to a user for forwarding to a service provider for servicing the request based on the user preferences (see col.5, lines 38-55; col.17, lines 50-54; and col.18, lines 14-23). It would be inherent that any information that is sent via a computer medium is translated into a machine language format such as assembly or the like for execution of the request. White does not explicitly teach that the receiving of user request is a result of accessing a semantic value associated with a hyperlink.

Sotomayor teaches of accessing a semantic value (see col.15, lines 51-55) associated with a hyperlink (see col.1, lines 31-47). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sotomayor within the system of White by implementing the redirection to occur from the selecting of a hyperlink within the redirection method and program because hyperlinks are well known and used in the Internet via a browser to directly connect or link from one site to an affiliated site as well as from a result of a query search, therefore when a user selects a hyperlink and that associated site is down or experiencing heavy load, then the teachings of White would prevent the user from having to wait or access the requested information at another time.

As per claims 9 and 22, White teaches in an electronic device (see Fig.7), a method, and a medium holding computer-executable steps for a method, comprising the steps of: receiving user information regarding a user, said user information received at a

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redirection facility (see col.17, lines 55-57: it is inherent that when a user information is stored at the facility, it must first be received) and information to be resolved to a resource in response to the user selecting (see col.13, lines 14-26), said redirection facility being an intermediary performing redirection of said request and having more than one possible target profile for each request (see col.3, lines 28-31 and col.5, lines 35-37); identifying a resolution service to employ to resolve based on the user information (see col.17, lines 50-54); and forwarding at least some of the information to the identified resolution service for resolution (see col.12, lines 60-62). White does not teach wherein the receiving information is link information regarding hyperlinks and that the forwarding of information is link information. Sotomayor teaches of link information associated with a hyperlink (see col.1, lines 31-47). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sotomayor within the system of White by implementing the receiving and forwarding of link information within the redirection method and program because hyperlinks are well known and used in the Internet, via a browser, to directly connect or link from one site to an affiliated site as well as from a result of a query search, therefore by propagating the link information, the ISP that response to the request will better resolve the request according to the information provide.

Dependent:

As per claims 2 and 20, White further teaches of comprising the steps of receiving a communication holding information about the user and using this information to identify the user preference (see claim 1 rejection).

As per claim 4, White further teaches wherein the redirection facility has access to a database holding data regarding preferences of users and wherein the step of identifying the user preference further comprises accessing the database to access the data (see claim 1 rejection).

As per claims 5 and 16, White further teaches wherein the method further comprises the steps of: wherein the service provider fails to fully service the request, identifying a second service provider to use to service the request and directing the request from the redirection facility to the second service provider to service the request (see col.5, lines 28-37).

As per claims 11 and 24, White further teaches wherein the step of identifying the resolution service comprises accessing data regarding services available to the user and identifying the resolution service based on services available to the user (see col.4 lines 2-6).

As per claim 12, White further teaches wherein the electronic device is a computer system (see col.6, lines 26-30).

As per claim 13, White further teaches wherein the step of identifying a resolution service comprises soliciting input from the user (see col.5, lines 52-60).

As per claim 15, White further teaches wherein the soliciting includes soliciting for identification of subscription services to which the user subscribes.

As per claim 18, White does not explicitly teach wherein resource includes content which is divisible into genres (see col.4, line 63 to col.5, line 8) and wherein the hyperlink contains information regarding to which of the genres the hyperlink is to be resolved (see claim 1 rejection).

As per claim 26, White does not explicitly teach wherein the step of servicing the request comprises returning a web page to the user, but it would be inherent that if a user access the Internet (see title), a web browser would be used, returning a web page of information.

The indicated allowability of claims 6 and 17 is withdrawn in view of the newly discovered reference(s) to all amended independent claims. Rejections based on the newly cited reference(s) follow.

As per claims 6 and 17, White teaches in environment having a redirection facility, a method, comprising the steps of: receiving a user request to access information at a redirection facility (see col.12, lines 3-5); identifying a user preference regarding which service provider to use to service the request (see col.17, lines 50-54); directing the request from the redirection facility to a service provider for servicing the request based on the user preferences (see col.17, lines 50-54 and col.18, lines 14-23); identifying a second service provider to use to service the request and directing the request from the redirection facility to the second service provider to service the request when the service provider fails to fully service the request (see col.5, lines 28-37); and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the second service provider (see col.7, lines

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15-25). White does not explicitly teach that the receiving of user request is a result of accessing a semantic value associated with a hyperlink. Sotomayor teaches of accessing a semantic value (see col.15, lines 51-55) associated with a hyperlink (see col.1, lines 31-47). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sotomayor within the system of White by implementing the redirection to occur from the selecting of a hyperlink within the redirection method and program because hyperlinks are well known and used in the Internet via a browser to directly connect or link from one site to an affiliated site as well as from a result of a query search, therefore when a user selects a hyperlink and that associated site is down or experiencing heavy load, then the teachings of White would prevent the user from having to wait or access the requested information at another time.

As per claim 17, White teaches in an electronic device (see Fig.7), a method comprising the steps of: receiving user information regarding a user (see col.17, lines 55-57; it is inherent that when a user information is stored at the facility, it must first be received) and information to be resolved to a resource in response to the user selecting (see col.13, lines 14-26); identifying a resolution service to employ to resolve based on the user information (see col.17, lines 50-54); forwarding at least some of the information to the identified resolution service for resolution (see col.12, lines 60-62); identifying a second resolution service to employ to resolve the request and forward at least some of the information to the second resolution service for resolution where the resolution service fails to return content to the user (see col.5, lines 28-37); and

identifying the resolution service that failed to return content to the user before the forwarding step (see col.7, lines 15-25). White does not teach wherein the receiving information is link information regarding hyperlinks and that the forwarding of information is link information. Sotomayor teaches of link information associated with a hyperlink (see col.1, lines 31-47). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sotomayor within the system of White by implementing the receiving and forwarding of link information within the redirection method and program because hyperlinks are well known and used in the Internet, via a browser, to directly connect or link from one site to an affiliated site as well as from a result of a query search, therefore by propagating the link information, the ISP that response to the request will better resolve the request according to the information provide.

3. Claims 3, 10, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 5933490 A) further in view of Minor et al. (US 5740252 A).

As per claims 3, 10, 21, and 23, White does not teach wherein the communication comprises a cookie. Minor teaches wherein the communication comprises a cookie (see col.2 lines 6-7: unique identifier). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Minor within the system of White, by implementing communication

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comprising of a cookie within a redirection facility, because cookies are well known in the art and used from server to browser for identifying the user and possibly for preparing customized web pages for the user.

4. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 5933490 A) and Sotomayor et al. (US 5708825 A), and further in view of Gerace (US 5991735 A).

As per claim 27, White teaches of an environment having a redirection facility for redirecting a selected request from a requestor for a given resource to a service provider (see abstract), comprising: receiving the selected request at the redirection facility (see col.12, lines 3-5), said redirection facility being an intermediary having more than one possible target profile having information used to resolve each request (see col.3, lines 28-31 and col.5, lines 35-37); and examining a criterion at the redirection facility (see col.4 lines 7-15). White does not explicitly teach that the receiving of user request is a result of accessing a semantic value associated with a hyperlink. Sotomayor teaches of accessing a semantic value (see col.15, lines 51-55) associated with a hyperlink (see col.1, lines 31-47); and a method of advertising or determining whether to present an advertisement to the requestor based on the examined criterion. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sotomayor within the system of White by implementing the redirection to occur from the selecting of a

hyperlink within the redirection method and program because hyperlinks are well known and used in the Internet via a browser to directly connect or link from one site to an affiliated site as well as from a result of a query search, therefore when a user selects a hyperlink and that associated site is down or experiencing heavy load, then the teachings of White would prevent the user from having to wait or access the requested information at another time. Gerace teaches a method of advertising and determining whether to present an advertisement to the requestor based on the examined criterion (see Abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by implementing advertising methods within a redirection facility, because it is well known and currently employed in the art of advertising based on user examined criterion. Thus when sending hyperlinks based on user information for redirection, advertisement links may also be sent or attached. Such teachings are employed via the Internet as a form of monetary revenue.

As per claim 28, White further teaches wherein the requestor is a user of a computer system (see col.5 lines 50-51).

As per claim 29, White does not teach wherein the method further comprises the step of presenting an advertisement to the requestor. Gerace teaches of presenting an advertisement to the requestor (see col.2 lines 35-37). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by presenting an advertisement to the requestor within a redirection facility, because advertisements are a source of income

and primarily for Internet businesses, advertisements help reduce or even eliminate the costs, incurred from services rendered, to the user.

As per claim 30, White does not teach wherein the step of presenting an advertisement comprises sending video content over a network from the redirection facility. Gerace teaches wherein the step of presenting an advertisement comprises sending video content over a network from the redirection facility (col.13 lines 23-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by implementing video advertisement over a network from the redirection facility, because this would allow for advertisements in the form of video data to be sent to user.

Aesthetics is not an invention.

As per claim 31, White does not teach wherein the step of sending video content comprises sending a web page with an advertisement from the redirection facility to the requestor. Gerace teaches wherein the step of sending video content comprises sending a web page with an advertisement from the redirection facility to the requestor (see col.11 lines 5-8 and col.17 lines 5-7). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by sending a web page along with the video content within a redirection facility, because this would explain to the user what the video content is as well as information and guidelines as to disabling the video content or additional options the user can take. Since original transfer of data occurred from a web browser, keeping communication in the form of a web page is obvious.

As per claim 32, White does not teach wherein the criterion is a random criterion so that the determining is based on a random event. Gerace teaches wherein the criterion is a random criterion so that the determining is based on a random event (col.1 lines 13-29 and col.3 lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by implementing random criterion within a redirection facility, because this allows for determining to be based on timed increments rather than comparison of data, thus allowing the criterion to be implemented with less restriction.

As per claim 33, White does not teach wherein the criterion is when the requestor last received a previous advertisement from the redirection facility. Gerace teaches wherein the criterion is when the requestor last received a previous advertisement from the redirection facility (col.2 lines 43-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of White, by recording the last received advertisement within the redirection facility, because this would allow for the data to be used for statistical purposes for better and more effective targeting methods (see Gerace: col.2 lines 50-60).

As per claim 34, White does not teach wherein the criterion is how many requests for resources from the requestor have been received at the redirection facility. Gerace teaches wherein the criterion is how many requests for resources from the requestor have been received at the redirection facility (see col.2 lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was

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made, to employ the teachings of Gerace within the system of White, by recording the amount of received requests within the redirection facility because this would allow the facility to keep track of psychographic profile of all users for future targeting (see Gerace: col.2 lines 20-22 & 38-42).

Response to Remarks

5. In response to the applicant's argument regarding claims 1, 19, and 25, it is obvious to one of ordinary skill in the art that a "user request" is any request made by a user to obtain a result desired by the user. It is also obvious to a person of ordinary skill in the art, that when a user launches a browser, which is also considered a request, the processor initiates an automatic connection to the ISP (if not using a using a cable or dsl, which are "always connected"). The argument that the applicant relies is not a patentable feature of the invention and carries no functional patentable weight.

Additional reference locations have been provide to clarify the teachings of White with respect to the claimed elements, particularly second and third steps of claim 1 and 19.

In order to perform the extraction process of "semantic value and link creation" as taught by Sotomayor, the determining a redirection target would employed with the "customer profile record (CPR)" as taught by White. White teaches that "in addition to stored data, there is also stored in the intelligent peripheral platform (IP) tables of

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parameter values and various threshold values", subject to "continual or periodic changes" (see col.17, line 55 to col.18, line 4), which these parameters and values could result from or be calculated from cookies based on: most recently accessed site, on-line form filled out by the user, or any other information derived from the user or user's device in order to filter the best redirection location.

In response to the applicant's argument regarding claim 25, Sotomayor teaches of hyperlinks as referenced. Wherein White teaches "access to such ISP services by enabling the re-routed ISP customer to access the software site of the ISP through the Internet", can be performed by providing the user with a hyperlink. "Hyperlinks" and its functionality similar to "user requests" are well known in the art and thus carries no functional patentable weight unless there is shown an improvement above prior art. A user requesting by typing the URL in a browser or by clicking a hyperlink does not are not distinguishable in terms of patentability.

Similarly, in response to the arguments addressed above, claims 6, 9, 17, 22 and all the dependent claims remain rejected.

6. Applicant's arguments with respect to claim 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

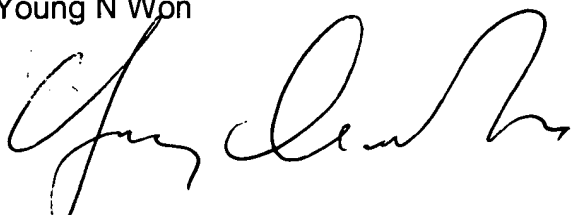
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

A handwritten signature in black ink, appearing to read 'Young N Won', written in a cursive style.

September 8, 2003

A handwritten signature in black ink, appearing to read 'Hosain Alam', written in a cursive style.

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER